

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

March 16, 2006

DIVISION ONE

[illegible]

The judgment is affirmed.

Mallano, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

B181632 People (Not for Publication)
v.
Green

The judgment is affirmed.

Mallano, J.

I concur: Spencer, P.J.
I concur in judgment only: Vogel (Miriam A.), J.

DIVISION TWO

B180385 Gabric (Not for Publication)
v.
Fields

The judgment is affirmed. Appellant shall bear costs of appeal.

Chavez, J.

We concur: Boren, P.J.
 Ashmann-Gerst, J.

B181335 People (Not for Publication)
v.
Justin G.

The order committing minor to CYA is affirmed. The matter is remanded to the juvenile court with directions to hold a further hearing on minor's maximum term of confinement. The juvenile court is directed to determine whether a maximum term less than the maximum provided for in the Penal Code for an adult offender would be appropriate in light of the particular facts and circumstances of minor's case, as provided for in section 731, subdivision (b). At the same time, the juvenile court can complete Judicial Council form JV-732 in its entirety.

Chavez, J.

We concur: Doi Todd, Acting P.J.
 Ashmann-Gerst, J.

B184422 People (Not for Publication)
v.
Rhodes

The Court:

The judgment is affirmed.

Boren, P.J., Doi Todd, J., Chavez, J.

DIVISION TWO (Continued)

B182961 In re: Brittney C. (Not for Publication)
 DCFS

v.
Patricia C.

The orders of the juvenile court are affirmed.

Chavez, J.

We concur: Boren, P.J.
 Doi Todd, J.

DIVISION THREE

B179234 People (Not for Publication)
B182233 v.
 Tobias

As to case No. MA026950, and counts 1 and 2 of case No. MA026922, the matter is remanded to the trial court to allow Tobias to withdraw his no contest plea. If Tobias so moves, the trial court must grant the motion. If Tobias does not move to withdraw his plea within 60 days of the filing of the remittitur, the trial court shall reinstate the judgment. As to counts 3 through 13 in case No. MA026922, the conviction of false imprisonment in count 12 is ordered reversed and the matter is remanded for resentencing.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

March 16, 2006 (Continued)

DIVISION THREE (Continued)

B182645 People (Not for Publication)
v.
DePaz

The judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

DIVISION FOUR

Court convened at 9:00 A.M.

Present: Epstein, P.J., Curry, J., Willhite, J., Hastings, J. (Assigned) and S. Veverka, Deputy Clerk.

Each of the following:

B187893	Cynthia Q. v. SCLA (DCFS)
B180475	People v. Ronel F.

Argument waived, cause submitted.

B185721 Los Angeles County, D.C.S.
v.
Mister T.

Merits:

Argued by Leslie A. Barry for appellant and by Frank J. DaVanzo, Deputy County Counsel for respondent. Cause submitted.

DIVISION FOUR (Continued)

B186923 7-Eleven, Inc.
 v.
 Department of Alcoholic Beverage Control

Merits:
Argued by Ralph B. Saltsman for petitioner and by Judith R. Seligman for respondent. Cause submitted.

B182416 Lee
 v.
 Sport Chalet

Merits:
Argued by James Alexander Kim for appellant and by Carol D. Toy for respondent. Cause submitted.

B162421 Courdy
 v.
 Paycom Billing Services, Inc.

Merits:
Argued by Roy D. Weatherup for appellant and by Paycom Billing Services, Inc. for respondent. Cause submitted.

Court recessed.

Court reconvened at 1:30 P.M.

Present: Epstein, P.J., Curry, J., Willhite, J., Hastings, J. (Assigned) and S. Veverka, Deputy Clerk.

DIVISION FOUR (Continued)

Each of the following:

B179283 People v. Hider
B179241 People v. Flores
B185230 DCFS v. Thea K
B185883 DCFS v. Valerie G.

Argument waived, cause submitted.

B185119 Contemporary Services Corporation, et al.
 v.
 Staff Pro, Inc., et al.

Merits:

Argued by Kathy J. McCormick for appellants and by Eric L. Troff for respondents. Cause submitted.

B178428 Harris, et al.
 v.
 Investor's Business Daily, et al.

Merits:

Argued by Mark R. Thierman for appellants and by Marjorie G. Fuller for respondents. Cause submitted.

B182937 Marquez
 v.
 Fenster

Merits:

Argued by Kyle Kveton for respondent. No appearance by counsel for appellant. Cause submitted.

DIVISION FOUR (Continued)

B178637 Narvaez
 v.
 Diamond Contract Services, Inc., et al.

Merits:
Argued by Tali Shaddow for appellant, by Jerome Bradford for respondent Garcia and by W. Anthony Willoughby for respondent Diamond Contract Services. Cause submitted.

Court adjourned.

DIVISION FIVE

B184916 Raul Galaz (Not for Publication)
 v.
 Julian Jackson

The judgment is affirmed. Each party to bear their own costs.

Kriegler, J.

We concur: Turner, P.J.
 Mosk, J.

B186827 In re Joseph T. (Not for Publication)
 Los Angeles County, D.C.S.
 v.
 Yvonne T.

The judgment is reversed.

Turner, P.J.

We concur: Armstrong, J.
 Kriegler, J.

DIVISION FIVE (Continued)

B184410 People (Not for Publication)
v.
Lanny Reado

The judgment is affirmed.

Turner, P.J.

We concur: Armstrong, J.
 Kriegler, J.

DIVISION SIX

B180343 People (Not for Publication)
v.
Jones

Appellant's second degree robbery conviction is conditionally reversed. On remand, the prosecution may elect to retry him on this charge within 60 days of the filing of the remittitur in the trial court. (§ 1382, subd. (a)(2).) If the prosecution declines to retry the case, the trial court shall treat the remittitur as a modification of the judgment to reflect a conviction of grand theft person under section 487, subdivision (c) and shall hold a new sentencing hearing. The five-year enhancement allegation under section 667, subdivision (a) may not be added to a sentence for grand theft, as grand theft is not a serious felony, but the court may utilize the Three Strikes allegation that was stricken at the original sentencing hearing. We express no opinion as to whether the Three Strikes allegation should be stricken on remand.

Coffee, J.

We concur: Yegan, Acting P.J.
Perren, J.

March 16, 2006 (Continued)

DIVISION SIX (Continued)

B182501 People
 v.
 Ford

Filed order denying petition for rehearing.